

This has been good work. It did take patience by the managers and some co-operation on both sides of the aisle. We were able to get it done in a very short period of time. I thank all concerned for their good work. I hope we can continue that and make real progress on the Labor, HHS, and Education appropriations bill this week. After the work we have already done, I think we can show we are doing the people's business.

I commend Senator McCONNELL and I commend Senator LEAHY for being willing to stay here last night and suggest we were going to have more votes last night. That helped get this done. I thank the Senators.

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. LOTT. I am happy to yield to the Senator.

Mr. LEAHY. Mr. President, I want to also thank the distinguished majority leader for his work in bringing this up. This can sometimes be a contentious bill, as he knows. His efforts in working also with the distinguished Democratic leader, Senator DASCHLE, paid off. And the distinguished majority leader had the patience to allow Senator McCONNELL and me to work through an awful lot of amendments on both sides of the aisle.

I thank the distinguished Senator from Nevada, Mr. REID. We heard periodically the crunch in the Cloakroom as he broke a few arms, but we moved it through and got an overwhelming vote.

Senator McCONNELL showed close co-operation with me and with Senators on both sides of the aisle throughout the process. I enjoy working with him. I know he agrees we need more resources for some of these issues, and we will work together to get them.

We have many interests around the world. We know U.S. leadership costs money. I think Senator McCONNELL and I have tried to show a bipartisan cohesion on that.

I thank the staff. They spent many long days and late nights, many long weekends in getting this far. I appreciate that. Robin Cleveland, Senator McCONNELL's chief of staff on the Foreign Operations Subcommittee, as always, has been a pleasure to work with. She shows enormous competence and knowledge. I appreciate that. Her assistant, Jennifer Chartrand, was indispensable to this. Jay Kimmitt on the committee staff and Billy Piper on Senator McCONNELL's personal staff have all been of great help.

On the Democratic side, I mention several. First, I want to mention Cara Thanassi of my staff who was there from start to finish. Ms. Thanassi, on the floor now with me, is a Vermonter. She will be heading back to graduate school, only after she spends a month in East Timor. I am proud of her and what she has done for the Senate. She

has shown the best attributes of a true Vermonter.

J.P. Dowd, my legislative director, helped on the Senate floor during the many busy times of the last few days. Of course, Tim Rieser, the Democratic clerk on the Foreign Operations Subcommittee, has worked on these issues in the Senate for nearly 15 years. He probably has as great an institutional memory on the foreign policy issues as anybody in the Senate staff or Senate and was truly indispensable.

Again, I thank the leader for his help in getting the Senate this far.

I yield the floor.

APPROPRIATIONS FOR THE DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES—Continued

MOTION TO COMMIT WITH AMENDMENT NO. 3598

Mr. LOTT. Mr. President, I ask for the yeas and nays on the pending motion.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a sufficient second.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I again ask for the yeas and nays on the pending motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3600 TO INSTRUCTIONS OF THE MOTION TO COMMIT

(Purpose: To limit the use of funds for standards relating to ergonomic protection.)

Mr. LOTT. I send an amendment to the desk to the pending motion to commit with instructions.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 3600 to the instructions of the motion to commit.

Mr. LOTT. Mr. President, I ask consent that reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the amendment insert:

None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer any proposed, temporary, or final standard on ergonomic protection.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3601 TO AMENDMENT NO. 3600

(Purpose: To limit the use of funds for standards relating to ergonomic protection.)

Mr. LOTT. I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 3601 to amendment No. 3600.

Strike all after the first word, and insert the following:

"Of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection.

"This section shall take effect on October 4, 2000."

Mr. LOTT. Mr. President, I ask consent there be 2 hours equally divided in the usual form prior to a vote in relation to amendment No. 3599.

Mr. REID. I object.

Mr. LOTT. I ask there be 4 hours equally divided in the usual form prior to a vote in relation to amendment No. 3599 and the Democrats' motion to commit with instructions.

Mr. REID. Reserving the right to object, we have just finished several hours on other matters and we have a number of Senators with whom I need to check before we can agree to this unanimous consent agreement. Therefore, I object.

Mr. LOTT. Mr. President, I certainly understand that the Senator would want to consider the situation, where we are, and consult with a number of Senators. In fact, we need to do the same thing on our side.

I ask my colleagues on the Democratic side to see if we can't come to an agreement that is suitable on both sides of the aisle with regard to the amount of time and that we get a direct vote on this very important issue of ergonomics. It is germane to this Department of Labor, HHS, and Education appropriations bill.

We have had a good working relationship together over the past 2 weeks. There is no question we couldn't have made the progress on the appropriations bills if we hadn't had diligent work on the Republican side and a lot of cooperation on the Democratic side including, specifically, the Democratic leader, Senator DASCHLE, and the whip and assistant leader, HARRY REID. All have done good work.

I worry now that we are into a situation where we have an amendment that Members feel very strongly about, that is going to have dramatic impact on business and industry in this country, which is germane, and that we are being told we can't give you a time agreement, we are not going to give you a direct vote.

We have had direct votes over the past couple of weeks on the Patients' Bill of Rights issue, on hate crimes, on gun violence, on the Cuba commission, on abortion issues, on education class size—even though on some of the issues we would have preferred not to have voted or voted not on them with regard to that particular bill. It would also include, of course, the disclosure issue, which we think is a good issue, which should get voted on, but it was a problem being offered on the Defense authorization bill.

We were able to work through that. We got a reasonable agreement. We got a direct vote, and we moved on.

I have already talked with Senator DASCHLE. We are looking for a reasonable way to get this done. I hope we can find it because this is one of the biggest and one of the most important bills the Senate will consider this year. It is the funds for education, for the National Institutes of Health, for the Departments of Health and Human Services and Labor.

I would hate for it to stop at this point. We can make progress this afternoon. We can make progress on Friday. We can make progress on Monday. We could be having votes. With a little focus, maybe we can even finish this bill by Tuesday night or Wednesday. That is what I want to see happen, but we need to get it done and then go on to the Interior appropriations bill, a bill that also is very important and a bill, by the way, Senator GORTON has worked very hard to keep off controversial issues. The so-called rule XVI points will be objected to.

I urge Senator REID and my friend, Senator DASCHLE, to think about this. This is not the end of the trail, but we can have a vote on this important germane amendment, and then we can move on to other amendments and get our work done. I know we will be working together in the next few hours to see what we can come up with. I yield the floor.

THE PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. We have been able to complete, under great difficulty, five appropriations bills. They have had hundreds of amendments. We have been able to finish those bills.

I suggest the best thing to do, as I think the leader has already said he is going to do, is move forward with the debate on this amendment. There are tremendous feelings on both sides of the issue. People feel strongly about it. We should debate it for a while and see if something can be resolved. I hope, if we cannot do that, we might be able to move on to something else that needs to be completed.

THE PRESIDING OFFICER. The Senator from Missouri.

sible way the Enzi-Bond amendment to the Labor-HHS appropriations bill relating to ergonomics. This amendment will save businesses, small businesses particularly, and other employers, and primarily their employees, from the ravages of OSHA's regulatory impulses running rampant.

As many in this body know, I have questioned OSHA's approach to formulating an ergonomics regulation for several years. Last year, I introduced a bill, which currently has 48 cosponsors, to force OSHA to wait for the results of the study that we and the President—and the President—directed the National Academy of Sciences to conduct on whether there is sufficient scientific evidence to support this regulation.

This measure is known as the Sensible Ergonomics Scientific Evidence Act, or the SENSE Act. Sadly, this issue, as administered by OSHA, has been lacking in common sense in the years that OSHA has been working on it.

We were not able to move the SENSE Act last year, nor were we able to convince OSHA they needed to put some common sense into their regulatory process before going forward with the proposed rule. At this time last year, we were fearful of what OSHA might come up with because it did not look as if they were going about it in a reasonable, responsible way. When the proposed rule was finally published in November and we found out what they wanted to do, it was worse than we could have imagined.

It is tragic that OSHA and this administration have all but disregarded the protections for the rulemaking process that are needed for sound regulations. They moved at an unprecedented pace, and it looked as if they were trying to get this regulation finalized before they even left office.

This is a classic example of ready, fire, aim. OSHA needs to be told they have gone too far and they must suspend the regulation so that it can be redrafted and put into some reasonable, workable approach.

The Enzi-Bond amendment to the Labor-HHS appropriations bill must be adopted, and I urge my colleagues to strongly support it.

I have the honor of serving as chairman of the Small Business Committee, and I have heard from literally thousands of small businesses and their representatives about the utter terror they face of having to comply with an impossible regulation that they cannot figure out and they cannot implement.

Let me be clear, their fear is not that they will have to protect their employees or even that they will have to spend some money to achieve that goal—they are doing that already because they do not want to see their employees have repetitive motion injuries or ergonomic injuries. They want to do what is right for their employees. In

many cases, these employees in the smallest businesses are like family. They treat them like family members because they work closely with them.

Instead, this fear, this terror is that they will be forced to figure out what this regulation means, what is expected of them, whether they can satisfy the requirements, whether they will get any results from the huge costs of this regulation, and whether they can convince an OSHA inspector they have satisfied a regulation which gives no clear guidelines.

In some cases, the alternative to complying with the regulation may be to close the company or to move it to another country where they do not have such regulations, or, which is also extremely sad, they may be required to get rid of employees and buy equipment and replace their employees with equipment.

None of these regulatory efforts has to do with assuring protection for employees from repetitive motion injuries. The simple truth is, there is nothing the regulation says that will protect employees. It does not do what OSHA would have us believe it does. It does not tell employers how they can help their employees. On this basis alone, the proposed regulation fails and must be withdrawn.

OSHA likes to say this regulation is flexible. So is a bullwhip. What OSHA calls flexible is really a level of vagueness such that no employer, no matter how well intentioned, would be able to tell what is required of them or if they have done enough. Let me give a couple examples to help illustrate the degree of vagueness that permeates this proposal. These terms come directly from the language of the proposed rule:

Throughout the standard, employers are directed to implement provisions and establish program elements "promptly."

In analyzing a "problem job," employers are instructed to look for employees "exerting considerable physical effort to complete a motion," or employees "doing the same motion over and over again."

Engineering controls are to be used "where feasible." When implementing the "incremental abatement" provisions, employers are to "implement controls that reduce MSD hazards to the extent feasible."

For an employer to evaluate its ergonomics program, it is to "evaluate the elements of [its] program to ensure they are functioning properly; and evaluate the program to ensure it is eliminating or materially reducing MSD hazards."

Ergonomics risk factors are defined as: "(i) force (i.e., forceful exertions, including dynamic motions); (ii) repetition; (iii) awkward postures; (iv) static postures; (v) contact stress; (vi) vibration; and (vii) cold temperatures."

Anytime one lifts a garbage can outside in the winter, one probably goes through all those.

AMENDMENT NO. 3594, AS MODIFIED

Mr. BOND. Mr. President, I rise today to support in the strongest pos-